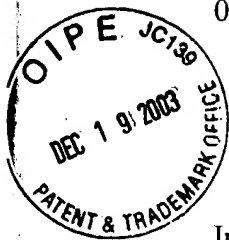


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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
SHINGO NOZAWA, et al. )  
Application No.: 09/685,008 )  
Filed: October 6, 2000 )  
For: IMAGE ENCODING METHOD )  
AND APPARATUS )  
Examiner: W. Chen  
Group Art Unit: 2624  
December 18, 2003

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DEC 22 2003

Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated November 25, 2003,  
Applicants hereby provisionally elect to prosecute the Group II claims, namely Claims 8 to  
16, 24 to 32 and 34. It is noted that the Office Action indicates that, while the claims of  
Group II allegedly could be divided into three species, the Examiner has agreed to examine  
all of them together since Group II has been elected. The Restriction Requirement is,  
however, traversed.

Traversal is on the ground that the basis for the restriction is simply  
incorrect. In this regard, the Office Action indicates that the basis for the restriction is due  
to the two groups of claims being unrelated and not being disclosed as being usable

together. However, Applicants dispute this assertion since the specification states the following:

In the first embodiment described above, motion vectors within an image are detected minutely using subband signals obtained by application of the Haar wavelet transform, and an ROI is extracted based upon the distribution of these motion vectors. In the second embodiment, an ROI having left-right symmetry is extracted within an image having substantial left-right symmetry, such as an image of the human face, using subband signals obtained by application of the Haar wavelet transform in a manner similar to that of the first embodiment. (See page 21, lines 10 to 20.)

Thus, both of the groups use subband signals obtained by application of a Haar wavelet transform and extract a region of interest in a similar manner. Therefore, Applicants assert that the two groups are related and the basis for the restriction is incorrect.

Moreover, traversal is on the ground that there would not be undue burden in examining both groups of claims in a single application. In particular, MPEP § 808 makes it clear that in order to require restriction between independent or distinct inventions, reasons for insisting upon a restriction requirement, such as undue burden, must also be shown. As stated above, the two groups are related and therefore, Applicants assert that there would not be an undue burden on the Examiner to examine all of the claims in a single application since it is believed that a search of art relevant to one group would necessarily encompass the other.

In view of the foregoing, reconsideration and withdrawal of the restriction requirement are respectfully requested, and an action on the merits for all pending claims is respectfully solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa,  
California office at (714) 540-8700. All correspondence should continue to be directed to  
our below-listed address.

Respectfully submitted,

  
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